

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

MARCO ANTONIO TORRES RUBIO

PLAINTIFF

v.

Civil No. 07-5156

DEPUTY LARKIN, Benton County  
Detention Center; DEPUTY COLLINS,  
Benton County Detention Center; and  
DEPUTY MONROE, Benton County Detention  
Center

DEFENDANTS

O R D E R

Now on this 27th day of August, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #37, filed August 5, 2009), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, defendants' amended motion for summary judgment (Doc. 27) is hereby **granted in part and denied in part**. It is granted with respect to all claims against Deputy Monroe. To the extent the complaint can be read to be asserting denial of medical claims, verbal abuse claims, and unconstitutional conditions of confinement claims, the summary judgment motion is also granted. The motion is denied with respect to the excessive force claims against Deputy Larkin and Deputy Collins arising from the August 8, 2007 incident.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE